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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 53rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 17 April 2000 at 3 p.m.

Chairman: Mr. SIMKHADA (Nepal)
later: Mr. RODRIGUEZ-CEDEÑO (Venezuela)

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GE.00-13045 (EXT)

The meeting was called to order at 3.05 p.m.

PROMOTION AND PROTECTION OF HUMAN RIGHTS:

- (a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS;
- (b) HUMAN RIGHTS DEFENDERS;
- (c) INFORMATION AND EDUCATION
- (d) SCIENCE AND ENVIRONMENT (agenda item 17) (continued)
(E/CN.4/2000/89-96, 97 and Add.1, 121 and 145;
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E/CN.4/1998/84 and Add.1; E/CN.4/1997/105)

1. Mr. JAKUBOWSKI (Poland) said that a link existed between the exercise of human rights and good governance, as already recognized in the Universal Declaration of Human Rights, according to which it was essential that, if man was not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, human rights should be protected by the rule of law. According to that concept, people had to be freed not only from fear but also from want.

2. Good governance meant more than political democracy and the rule of law. It was essential for development, since it affected crucial aspects of social and economic development and of civil and political life. For that reason, his delegation had sponsored a draft resolution on human rights and good governance, which acknowledged its positive impact on the enjoyment of human rights and emphasized that those Governments working to enhance the quality of governance should have access to the resources necessary to facilitate their efforts.

3. His delegation supported the European Union statement on human rights defenders and paid tribute to them for their determination and heroism; they were truly irreplaceable. Consequently, his delegation strongly supported the Declaration on human rights defenders and the proposal to create a post of special representative of the Secretary-General mandated to propose effective measures to protect them.

4. Ms. MAHMOOD (Pakistan) said that the Declaration on human rights defenders, adopted by the General Assembly in 1998, recognized the legitimacy of their work and their need for better protection. Nevertheless, they continued to face repression and harassment around the world, even including the loss of life for some.

5. In Pakistan, representatives of civil society were included in the new government and in governing bodies at the national and provincial levels. The Government was keen to promote the participation of civil society, particularly in the development and protection of human rights. Human rights activists could visit jails, and participated in the reporting of information to human rights treaty-bodies. The Government also did its utmost to protect human rights defenders.

6. With regard to the deregistration of certain non-governmental organizations (NGOs) by the previous Government in the Punjab, it should be noted that some of them had become inoperative, and that 14,000 NGOs were registered in Pakistan. The Government of Pakistan was committed to implementing the Declaration on human rights defenders. In that context, the High Commissioner was urged to pay particular attention to the concerns of human rights defenders in areas under foreign

occupation. For instance, India had stopped four Kashmiri human rights activists from attending the Commission's current session. The international community should call upon India to fulfil its obligations under international law.

7. Mr. ALFONSO MARTINEZ (Cuba) said that the adoption of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms represented a milestone in the efforts by the United Nations to uphold the human rights of all persons in all countries. Originally devised as a weapon in the cold-war period, the Declaration had ultimately been adopted by consensus because its text had convinced all member States that it was not a tool for the foreign policy of certain States but a means of stimulating international cooperation. The Declaration stressed, in particular, the need to respect fully the principle, enshrined in the Charter, that only through cooperation could the world community settle international problems of a humanitarian nature. Tribute was due to Professor Ian Helgesen for his important role in the Declaration's drafting and adoption. The essential texts hitherto adopted in that area had enjoyed consensus, which it was important to maintain if the Declaration was to be effective.

8. Human rights were upheld not by fine words alone but first and foremost by effective action. It should be recalled, in that regard, that many States claiming to champion human rights had refused, not so long ago, to condemn apartheid. Regrettably, some ideas voiced in the Commission about the Declaration's implementation boded ill for consensus. While his delegation was ready to do its utmost to avoid confrontation, it reserved the right to take whatever steps it might judge suitable to achieve the goal that all countries deemed established, namely, that of protecting those who defended human rights in their respective countries.

9. Mr. OYARCE (Chile) said that civil society organizations, representing citizens' interests, were assuming an ever more important role in international relations. For that reason, his Government was determined to maintain an open dialogue with them so as to make it possible to establish trust and a rational understanding of differences in views.

10. Human rights defenders had at all times reflected civil society's concerns by encouraging the protection and promotion of human rights and fundamental freedoms. Whether individually or in association with NGOs, they played a crucial role by calling speedy attention to critical situations as well as participating in the improvement and progressive development of international human rights law. His delegation expressed its recognition of those whose stroke, often at the risk of their lives, for human dignity. A further reason for Chile's devotion to the cause of defenders was its debt to them for the restoration of democracy.

11. His delegation had played an active part in drawing up the Declaration on human rights defenders. Article 12 of its text recognized the right of everyone to participate in peaceful activities against violations of human rights and fundamental freedoms, and required the State to protect the defenders of those rights.

12. The development of international human rights law owed a great deal to human rights defenders: the campaign against racism, intolerance and torture, recognition of the rights of women and the child, and concern for vulnerable sectors. Defenders had played a striking role in promoting the standardization process, especially the adoption of conventions and protocols. Their task was not restricted to revealing violations; they were the source of public awareness in that sphere. They thus played a part in developing a universal human rights culture as defined in the Vienna Declaration and Plan of Action.

13. His delegation was grateful to that of Norway for having attached such importance to the topic. It would be a sponsor of the resolution to establish a mechanism to monitor implementation of the principles set forth in the Declaration on defenders.

14. Chile shared El Salvador's willingness to associate human rights with the development and promotion of a culture of peace. There were grounds for hope that the establishment of a working group on that topic, during the current International Year for the Culture of Peace, would lead to fruitful consideration.

15. Mr. PALIHAKKARA (Sri Lanka) said that the human rights community had lost one of its stalwarts the previous year, with the assassination of Neelan Thiruchelvam, a Tamil citizen of Sri Lanka, who had truly been an ardent defender of human rights and democracy. Many people from all walks of life had condemned that terrorist act. The Sub-Commission, at its August 1999 session, had called on all concerned to bring the perpetrators to justice. It was regrettable, therefore, that certain groups, such as the so-called Tamil Centre for Human Rights, had sought to "justify" that crime by explaining that Neelan had made himself "vulnerable" by participating in the promotion of human rights and the solving of conflicts by democratic means - a glaring instance of terrorism's audacity. Peacemakers and human rights defenders like Neelan were threatened by those who feared peace.

16. Shortly after Neelan's death had come another deplorable killing, that of Mr. Ponnambalam, a criminal defence lawyer known for his frankness on the most controversial political and legal issues. His death was a further loss for democracy since he had never hesitated to voice dissenting views. That Tamil leader had been murdered for having sought to promote an alternative to violence and terror.

17. In that context, his delegation deemed it essential to establish an impartial and neutral mechanism to ensure not only the rights but also the safety of human rights defenders and all those who worked for democracy. It therefore felt that the Commission should decide, at its current session, to establish such a mechanism. It supported the initiative proposed by the delegation of Norway to that end.

18. His Government supported Sub-Commission resolution 1999/3, in which the name of Neelan Thiruchelvam was mentioned. Neelan's murder was a tragedy with an international dimension in that all those who perpetrated such acts should be made outcasts of society. They should not be accorded accreditation by NGOs to which they did not belong or participate in international meetings, such as the session of the Commission on Human Rights, where they came to vaunt their deeds. It was abnormal for representatives of terrorist groups, which justified the murder of a human rights defender, to be able to enter the United Nations as representatives of an NGO and make allegations against Member States concerning acts for which the latter were not responsible. The Commission should require such mischief-makers to observe the procedures of the Optional Protocol to the International Covenant on Civil and Political Rights, so that their accusations could be scrutinized by the Human Rights Committee.

19. Mr. LIU Jing (China) said that his delegation had participated actively in the adoption of the Declaration on human rights defenders. His Government recognized that individuals, groups and organs of society could play a positive and constructive role in the promotion and protection of those rights, provided that their activities were in keeping with national legislation. However, groups - such as Falun Gong - engaging in illegal activities, were guilty of statutory offences under criminal law. Nor would his Government tolerate the activities of groups that sabotaged the territorial integrity of sovereign States, subverted legitimate Governments or undermined the fundamental rights of others in the name of promoting and protecting human rights. Ultimately, it was for States to determine, on the basis of their laws, whether activities carried out by individuals, groups or organs of society were of a nature to

promote and protect human rights as defined in the Declaration. His Government did, however, recognize the competence of the mechanisms of the Commission on Human Rights to resolve problems arising from the implementation of the Declaration. Generally speaking, his Government recognized the positive role played by international human rights instruments and was sincerely concerned to fulfil its obligations under those instruments, including its reporting obligations. In the two Special Administrative Regions over which China had regained sovereignty, Hong Kong and Macao, the international instruments applicable in those two regions would remain valid, whether or not China was a party to the instruments in question.

20. Mr. WILLE (Norway), speaking on behalf of the Nordic countries, namely, Denmark, Finland, Iceland, Norway and Sweden, on the issue of fundamental standards of humanity, said that the matter had been before the Commission since 1995. The current year's report (E/CN.4/2000/94), as well as those of previous years, should facilitate discussions and consultations on that difficult issue. The Statute of the International Criminal Court, adopted in 1998, had helped to identify crimes of a nature sufficiently serious to warrant prosecution at the international level. Those crimes were listed in articles 6, 7 and 8 of the Rome Statute. Such crimes, as well as those committed in the context of internal armed conflicts, should thus be taken into consideration when discussing fundamental standards of humanity. The study undertaken by the International Committee of the Red Cross (ICRC) on international humanitarian law would also provide guidance in that area.

21. Earlier the current year, the Government of Sweden, in cooperation with the Governments of Denmark, Finland, Iceland and Norway, had organized an expert meeting on the issue of fundamental standards of humanity. The participants had agreed on the need to continue studying standards common to both human rights and international humanitarian law. His delegation invited the other delegations to engage in that process, with a view to strengthening the protection of the individual in all situations. The report of the expert meeting had been circulated with the symbol E/CN.4/2000/145.

22. Mr. KUMAR (India) stressed the importance attached by the Universal Declaration of Human Rights, in its article 26, and the Vienna Declaration and Programme for Action to human rights education. The year 2000, which marked the mid-point of the United Nations Decade for Human Rights Education, was the appropriate occasion to take stock of global action in that regard. It was a matter of concern that human rights education had not become widespread throughout the world and that it had not acquired a holistic character. After all, it was not merely educational institutions that benefited from education of that type, but all sectors of society. Any human rights education strategy must incorporate the following objectives: raising the awareness of society at large, particularly that of disadvantaged groups, and encouraging society to press for the protection of human rights; countering prejudices which undermined the principles of tolerance; and ensuring that the authorities discharged their duties with respect for human rights and that individuals assumed their responsibilities towards others and towards society at large. Ultimately, any educational programme in that area should take account of the realities on the ground.

23. His Government had set up a committee to coordinate activities within the framework of the United Nations Decade for Human Rights Education. In that connection, the following objectives had been identified: free and compulsory primary education up to the age of 14; the inclusion of human rights in school curricula; the identification of jobs requiring specialized knowledge in human rights; the need to provide human rights education to members of certain professions - such as doctors, lawyers, the judiciary and members of the police and security forces; and, lastly, the organization of human rights training courses for the staff of local authorities. In higher education, it was envisaged that seminars would be held on the question of human rights, with classes made available at university level.

24. Each country, according to its needs and priorities, should evolve a system of human rights education. Nevertheless, international cooperation could also play an important role in that regard. His delegation hoped that the Office of the High Commissioner for Human Rights (OHCHR), through its technical cooperation programme, would continue to support country action in that area.
25. Mr. NAMAN (Observer for Kuwait) said that it was reassuring to note that, at the beginning of the third millennium, a growing number of societies were seeking, through education and awareness-raising campaigns, to construct a culture of peace and a culture of human rights.
26. His Government, for its part, had paid special attention to the implementation of General Assembly resolution 53/153 on the United Nations Decade for Human Rights Education, 1995-2004, and public information activities in the field of human rights. It had encouraged the media in Kuwait, as well as public and private organizations, to educate citizens about their rights and duties. In October 1992, the Kuwaiti Parliament had established a standing commission for the protection of human rights, thus reflecting the importance it attributed to that vital matter, which was the pillar of any modern State in which justice and the rule of law prevailed. The standing commission had, *inter alia*, organized seminars to publicize human rights. In Kuwait, NGOs played a very important role in that area. They organized seminars and tackled issues such as the situation of women in armed conflicts, the situation of refugees throughout the world, and the right of families of prisoners to a dignified life. Women's associations likewise played a positive role by increasing awareness of the basic international human rights instruments and seeking ways of eliminating discrimination against women. Kuwait had thus consciously entered the "century of democracy and human rights".
27. Such was not the case in other countries, where Governments used the media to deceive public opinion. It was vital to denounce such rogue regimes and to maintain pressure on them until they complied with their human rights obligations.
28. Mr. KRISAFI (Observer for Albania) said that his Government, following a 45-year Communist regime characterized by serious violations of human rights, had made respect for human rights one of its priorities. It had thus embarked on an overhaul of Albanian legislation in order to bring it into line with the international human rights instruments. In November 1998, that process had culminated in the adoption of the Constitution of the Republic of Albania, in which human rights and fundamental freedoms were accorded a central place. In parallel, considerable work had been done in preparation for Albania's ratification of the full range of international human rights instruments. A standing parliamentary commission on human rights and fundamental freedoms had been established. In addition, a large number of NGOs carried out intensive work in that area.
29. Capital punishment had been abolished in Albania. In 1999, a law establishing the post of People's Advocate had been enacted, and the first Albanian People's Advocate, recently elected by Parliament, was already in office. In 1999 also, a special post had been established under the Council of Ministers, namely a governmental representative for the protection of human rights and fundamental freedoms.
30. Despite the considerable progress made over the past decade, it would be untrue to assert that the country had no human rights problems. In the police forces, the administration of justice and other institutions, individuals - for various reasons - did sometimes infringe upon the rights of the human person. The Government did its best to ensure that the perpetrators of such acts were identified and severely punished with the full vigour of the law.
31. Mr. PETOCZ (Observer for Slovakia) said that the World Conference on Human Rights had rendered possible a global analysis of the international human rights system and had clearly brought out

the need for combined efforts on the part of States, intergovernmental and non-governmental organizations.

32. The Slovak Republic appreciated the efforts made towards the adoption of the Optional Protocols to the Convention on the Rights of the Child and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It also supported the activities aimed at enhancing the effectiveness of the human rights mechanisms and the functioning of the treaty bodies.

33. At the national level, Slovakia was preparing to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. In 1999, it had ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

34. Ms. BIGI (Observer for San Marino) said that her country had been one of the first in the world to decide to abolish the death penalty. The San Marino penal code ruled out not only capital punishment but life imprisonment. Moreover, San Marino had on numerous occasions intervened in international bodies to support strong the idea of gradually achieving universal abolition of the death penalty. It had also been a sponsor of the draft resolution on the question of the death penalty, introduced the current year by the European Union.

35. All States had the responsibility to punish the perpetrators of violations and to ensure public safety and law and order. That responsibility should not, however, lead to systems of justice based on vengeance or the *lex talionis*. The infliction of death on a human being, even one found guilty of horrendous crimes, violated the most fundamental of human rights, the right to life. Moreover, that penalty did not provide a valid system of protection for society, or an effective means of dissuasion. Indeed, experience had shown that crime rates and violence had not been reduced in countries applying that penalty. Furthermore, miscarriages of justice could always occur. All judicial systems provided that, in specific circumstances, a trial might be open to appeal and a sentence could be modified or annulled. However, a death sentence, once executed, was irreversible.

36. Her Government fully supported the decision not to include the death sentence among the penalties that might be pronounced by the new International Criminal Court. It sincerely hoped that that decision would encourage States in which the death sentence was still included in the penal code to embark on a process of gradually eliminating the offences subject to that sentence and apply a moratorium on executions. Such an action would represent a new step towards the universal abolition of capital punishment.

37. Mr. HUSSAIN (Observer for Iraq) said that, if science and technological progress had been made available to mankind to improve the quality of life and to promote human rights, they had also been used for warlike purposes and to commit serious violations of those rights.

38. One particularly ill-fated discovery was that of depleted uranium, which was characterized by extremely high radioactivity. It had been used as a weapon during the 1991 aggression against Iraq. The Pentagon had estimated the total depleted uranium released over the country in six weeks to be 315 tonnes. The environment had been polluted, and wind and rain had spread uranium dust over vast regions. Apparently, one third of the United States troops and 8 000 British soldiers who had participated in the hostilities had manifested pathological symptoms due to their exposure to depleted uranium. The ramifications on the health of the Iraqi population were numerous. Scientific studies revealed that the incidence of cancer, physical deformities, thyroid problems, renal deficiencies and sterility problems had multiplied since 1989. Given that certain effects of depleted uranium only

became apparent after many years, Iraq would have to wait until 2025 - or even 2040 - to become aware of the long-term consequences of the use of that weapon.

39. The Sub-Commission on the Promotion and Protection of Human Rights had tackled the issue in 1996 and 1997 and had taken the view that depleted uranium was a weapon of mass destruction whose use was thus against international humanitarian law. His delegation requested the Commission to appoint a special rapporteur and to allocate him the necessary financial resources to carry out a study and to submit a report on the matter to the Commission at its following session.

40. Mr. BELIZ (Observer for Panama), speaking on behalf of the Central American Group, said that the promotion of a culture of peace was a fundamental question for Central America, particularly inasmuch as it was closely linked to the effective enjoyment of human rights, the strengthening of democratic institutions and sustainable human development.

41. The Declaration and Programme of Action on a Culture of Peace, adopted by the General Assembly in its resolution 53/243, dated 13 September 1999, would henceforth provide a frame of reference for the subject. Moreover, the celebration in 2000 of the International Year for the Culture of Peace reflected the commitment of the Member States, NGOs and civil society to work towards international peace and security in accordance with the principles enshrined in the Charter of the United Nations, while seeking to change the mentalities of individuals and social groups by adopting values, modes of behaviour and ways of life geared towards a culture of peace. In addition to the International Year, there was also an International Decade for a Culture of Peace and Non-violence for the Children of the World (2001-2010) which should help to improve the situation of the most vulnerable individuals and groups in all countries by encouraging the strengthening of networks of mutual assistance and by combating cultural models which extolled violence or war. Other initiatives, such as the United Nations Year of Dialogue among Civilizations, the Special Session of the General Assembly on the achievements of the goals of the World Summit for Children and the World Conference against Racism (all planned for 2001) would also contribute to the process.

42. In 1998, on the occasion of the fiftieth anniversary of the adoption of the Organization's Charter, the ministers for foreign affairs and heads of delegations of the States members of the Organization of American States (OAS) had adopted a declaration reaffirming the Caracas commitments to promote development and non-violence and recognizing the right to peace as a right which was inalienable and inherent to the dignity of the human person. The Central American Group hoped that the members of the Commission would cooperate in the organization of a meeting on the culture of peace in celebration of the International Year.

43. Another essential issue for the countries of Central America was the quality of the environment. Just as the protection and promotion of human rights knew no frontiers, environmental problems concerned all countries. The Alliance for Sustainable Development of Central America (ALIDES) stressed the human dimension of development; its principal aim was to improve the quality of life of the peoples. The indivisibility of human rights made the elaboration of environmentally rational and sustainable models of development necessary. The full enjoyment of fundamental rights could be guaranteed only by safeguarding the delicate equilibrium between man and his environment. The Central American Group was convinced that the best way of achieving that equilibrium was by including environmental issues in national school curricula, with a view to encouraging global awareness of the issue.

44. Several programmes were currently being implemented in the region, including the Meso-American Biological Corridor, which formed part of the Plan for the Protection of the Environment in

Central America and whose purpose included combating extreme poverty in certain priority zones by helping people to make rational use of natural resources.

45. Mr. ZELLWEGER (Observer for Switzerland) said that his country remained committed to total abolition of the death penalty throughout the world. Switzerland had renounced its use as a possible penalty and had taken the necessary steps to ensure that it could never be reintroduced into its domestic legislation. In 1987, it had become a party to the Protocol No. 6 to the Convention for the Protection of Human Rights, and Fundamental Freedoms concerning the abolition of the death penalty and, in 1994, it had ratified the second Option Protocol to the International Covenant on Civil and Political Rights.

46. His Government welcomed the fact that more than half the world's countries had abolished the death penalty in their legislation or in practice. It noted with grave disquiet, however, that Saudi Arabia, Iran, Nigeria, Pakistan and the United States of America still applied the death penalty for crimes committed by minors. As the Human Rights Committee had affirmed, applying capital punishment to persons who, before having reached the age of 18 years, had committed crimes subject to a death sentence contravened article 6 of the International Covenant on Civil and Political Rights.

47. In his Government's view, execution of persons many years after their sentence had been pronounced could constitute cruel and inhuman treatment and in fact amounted to a double sentence, since the State deprived the person of his freedom for a prolonged period and then took his life. It also regretted that a number of countries, including Afghanistan, Viet Nam, Saudi Arabia and China, still carried out mass public executions in the guise of exemplary punishment. It should be stressed, in that regard, that no scientific study had ever shown that the death penalty was a more marked deterrent than other punishments.

48. His Government therefore appealed to States still having recourse to the death penalty to proscribe, or at least declare a moratorium on, executions or commute capital sentences to life imprisonment. Many such States claimed the support of majority public opinion for continuing to apply the death penalty; but the authorities should be assuming their responsibility by actively informing the people about all the death penalty's implications. Respect for the right to life excluded the very principle of the death penalty. No Government, therefore, could claim to respect human rights while retaining capital punishment. So long as the latter was maintained, moreover, the risk of executing an innocent person could never be entirely eliminated. Tacit acceptance of that risk was, not simply from a legal but also - and mainly - from a human point of view, unacceptable.

49. Mr. ANOSHKO (Observer for Belarus) said that protecting human rights was an essential State task. The principle that the human being and his rights and freedoms constituted the supreme value was established in the constitution of Belarus. While considering that democracy was an essential prerequisite for the full enjoyment of human rights, Belarus was deeply convinced that the democratization process must be progressive and correspond to a country's economic potential, its society's mentality and its national traditions, since otherwise the people would be disgruntled and social problems would arise.

50. His Government agreed that a European approach was needed to the current problems, which would take account of sovereign national interests, and draw upon European human rights experience in reforming its legislation. Parliament had recently adopted a number of very important new laws, such as the Civil Code and the Meetings and Demonstrations Act. It had radically amended the laws on the press, the bar, and the organization of the judicial system and the judiciary. It had prepared a draft criminal code and a draft code of criminal procedure, and was preparing bills on the establishment of a mediator for human rights and one for the rights of the child as well as on prison administration and the protection of the rights of persons in psychiatric care. Preparations for a national programme to protect

rights and freedoms were well in hand, and the national plan, adopted in 1999, to strengthen human rights training had become operational. Belarus was grateful to the Organization of Security and Cooperation in Europe (OSCE) and the Council of Europe for the assistance it had received in that regard. It attached importance to developing regional cooperation in human rights matters and was party to the main international instruments in the area; it regarded observance of the obligations stemming therefrom as an imperative. Only a constructive, balanced approach based on open dialogue and close cooperation would really help to improve the human rights situation.

51. Mr. AYEWOH (Nigeria) said that, in the field of human rights, countries' efforts must seek to marry the sometimes differing perceptions with the universally accepted standards. Such had been Nigeria's approach in incorporating in its Constitution the principles contained in the two International Covenants on Human Rights. That approach had been facilitated by the restoration of the democratic regime in May of the previous year, which had created a suitable climate in the country for the observance of human rights. A high-powered panel had been established to review the human rights violations committed in the past, redress injustices and ensure that they were not repeated. The panel had so far received over 15,000 petitions for redress. Furthermore, Decree No. 2 of 1984 which, in the name of State Security, had allowed prolonged, arbitrary detention without trial, had been abolished. The Government was also striving to remedy prison congestion arising from delays in the administration of justice. It was currently recasting the justice system, and steps were being taken to review prison administration and restructure the forces of law and order. The use of torture and other forms of intimidation was forbidden, and those who infringed the relevant laws were punished. Conscious of the need for an impartial legal system, Nigeria likewise prohibited military courts from trying civilians. Capital punishment, however, had not been abolished and remained as a penalty for the most serious crimes.

52. The National Human Rights Commission and NGOs in the country had been in the forefront with regard to human rights education. In December 1999, the National Commission had organized educational programmes in various local languages so as to promote awareness of the subject in the various communities.

53. The Government had not neglected either the question of the environment, which had aroused much agitation in the past. Laws had been enacted to monitor the flaring of oil by-products, oil spillages and other pollution problems in the country's oil-producing areas. In the Niger delta region, where such pollution problems were particularly acute, a special Niger Delta Development Commission was being set up. In that connection, his delegation supported the draft resolution against the dumping of radioactive and toxic wastes, a subject currently before the Commission; it recommended adoption of the draft resolution by consensus.

54. Mr. BAUMGARTNER (International Educational Development Inc.) said he wished to congratulate the Indian and South African Governments on their efforts to clarify a number of matters relating to AIDS. The South African President, Thabo Mbeki, had understood the need for a critical approach to the scientific discussion, which should no longer be left solely to those who maintained that HIV caused AIDS. It was high time to reappraise the link between HIV and AIDS and to submit the current widespread assertions about the disease to rigorous scrutiny. HIV had not been isolated as a virus, despite what Prof. Luc Montagnier had once suggested. National and international health authorities had still provided no scientific proof of a link between HIV and AIDS. Those courageous enough to demand explanations had been unjustly disdained, while the irresponsible attitude of specialists undermined progress in medical research. Although President Mbeki's action was a welcome one, the means he had applied were insufficient to shed light on what virus caused AIDS.

55. His organization asked the Commission to include a separate item in its annual agenda on science and environment. Human rights violations stemming from dubious scientific practices, genetic piracy and abuse of biomedical research were but a few of the issues that might be addressed under such an item.

56. His organization considered that the requirement imposed by the Government of Mexico on human rights defenders to apply for a FM3 visa hampered the follow-up of the human rights situation in Mexico. Indeed, the need to plan any visit at least 30 days in advance prevented any emergency action. And there had been many cases of NGO members, international observers and foreign visitors being subjected to ill-treatment in that country.

57. Mr. WEI (Transnational Radical Party) said that, in China, apart from the so-called NGOs of the Chinese Government, most of the human rights work was done by opposition groups, generally with outside help which had great difficulty in reaching them. One case was that of Mrs. Ding, whose son had been killed in Tiananmen Square in 1989. Mrs. Ding's home was under constant surveillance, and humanitarian aid which foreign friends tried to provide for her was intercepted by the police. Such aid was needed, however. Many people had been killed in Tiananmen Square, many injured and numerous children had been left uncared for. All those people were in real need of sympathy and help from their friends inside and outside China, but sadly they were treated by the Chinese Government as quasi-political prisoners.

58. He himself had tried in 1993, during his short-lived parole period, to help those victims' families to make contact with people who might be able to help them. Unfortunately, he had been arrested and the police had confiscated the donations he was preparing to transmit to the families. Worst still, the Chinese authorities had used the donations as a pretext to accuse him of seeking the Government's overthrow. That sort of treatment had been meted out to many human rights defenders in the past few years. One such event had taken place quite recently on the very premises of the Palais des Nations, in the coffee room close to the conference room in which the Commission was meeting. Representatives of the Chinese delegation there had refused to take up the issue of human rights with members of political prisoners' families, and had even called the police to remove those people who had politely requested a conversation with them in an effort to improve the human rights situation in China.

59. The human rights situation in China was deteriorating, and human rights defenders there were in danger. The United Nations should therefore stress the importance of the Declaration on human rights defenders and urge the Chinese Government to carry out its promises to protect the minimum political rights of individuals. If those who sacrificed their time and interests in the cause of human rights could not be protected, and if nothing was done to prevent their exposure to risk and punishment, it was hard to see who could be depended on to bring Governments to respect peoples' basic rights.

60. Protection of human rights defenders should be an issue of high priority, because the world had need of them.

61. Ms. STOTHARD (Aliran Kesedaran Negara - National Consciousness Movement) made a pressing appeal to the members of the Commission on Human Rights to intervene urgently on behalf of more than 50 people who had just been arbitrarily arrested in Malaysia for having exercised their right to freedom of expression and assembly. Kuala Lumpur, the country's capital, had been put under a state of siege by the riot police, had turned out with sub-machine guns and who had set up roadblocks against demonstrators who had been parading peacefully. A number of well-known human rights defenders - Roslan Kassim, Mohamed Ezam Mohamed Nor, Abdul Malek Hussein and Tian Chua - had been arrested at the time. Mr. Tian Chua was especially popular among all ethnic groups for his peaceful action for social change. The fact that the police had not beaten him, as during previous

arrests, should be considered an improvement. The Malaysian Government had made those arbitrary arrests to prevent demonstrators from commemorating "Black 14", namely, 14 April the previous year, when Anwar Ibrahim, the former deputy Prime Minister, had been sentenced to six years in prison.

62. The Universal Declaration of Human Rights and the Malaysian Constitution recognized the right to peaceful assembly. The previous year, however, more than 1,000 people had been charged in Malaysia with illegal assembly. She appealed to the Commission Chairman and to the Commission as a whole to request the Malaysian authorities to order the immediate and unconditional release of those arrested, put an end to the crackdown and allow Malaysians to exercise their constitutional right to freedom of meeting and expression. In view of the Malaysian Government's widespread and brutal repression of the population, she urged the Commission to disqualify Malaysia from Commission membership. The crackdown made a sheer mockery of the Malaysian delegation's alleged commitment to the promotion of the rights enshrined in the Declaration on human rights defenders. The repression, going on even while the Commission was sitting, and the deafening silence of the newly-established National Human Rights Commission, showed the extent of that country's contempt for international human rights standards. Unfortunately, Malaysia was not the only Asian country where human rights defenders were victims of aggression. It was regrettable, in that regard, that the Association of South East Asian Nations (ASEAN) had not incorporated international human rights standards in its terms of reference. Among the States where violations of those rights were particularly notorious, she cited Burma, Singapore, Indonesia and even Thailand.

63. Mr. WARNER (Pax Christi International), noting that the General Assembly had proclaimed the year 2000 as the International Year for the Culture of Peace, wondered whether sober reflection on the errors of the past and the finding of ways to avoid them in the future were possible. The twentieth century had been one of unprecedented catastrophe and cruelty, in which perhaps 100 million people had died as a result of military and civil conflicts. The just-concluded second millennium had been a bloody period, marked by national ambitions, contending philosophies and intolerance. But the millennium's most disgraceful aspect was undoubtedly the extraordinary religious intolerance, which had led man to inflict the direst atrocities on his fellow man. He pointed to the litany of massacres perpetrated in the name of God and still being pursued; the conclusion was that the world desperately needed a new culture based on non-violence, tolerance and a system of shared values.

64. To encourage such a culture required serious efforts to prevent conflicts - for example, by means of early United Nations intervention into sensitive areas, restriction of the arms trade and the encouragement of civil society in countries trapped in cycles of violence and repression. Conflict management, too should be more effective - firstly, through greater efforts to contain and de-escalate conflicts. Religious authorities should not morally legitimize conflicts, and civil and religious institutions working for peaceful settlement should be supported. Once a conflict had ended, reconstruction and reconciliation should be promoted and a truth commission or tribunal could help bind the wounds of the past and facilitate a more cooperative future. His organization truly believed it possible to put an end to the cycle of conflicts arising from discrimination and intolerance, much of it governed by religious nationalism, and felt that, through individual example and cooperation among institutions, the year 2000 could truly be the International Year for the Culture of Peace.

65. Ms. NUR (Netherlands Organization for International Development Cooperation) said that the high expectations aroused by the fall of the Soeharto regime in Indonesia had not been fulfilled; the State had not only taken no step towards ending human rights violations but, on the contrary, had resorted to further violence. Indonesian human rights activists were in a weak position, regarded as political enemies by the regime.

66. The general public, and even the defenders themselves, did not realize that the State was obliged to protect them by article 9 of the Declaration adopted by the General Assembly. That was because the State refused to promote human rights, make known the relevant international instruments and cooperate with NGOs. Indonesian human rights activists thus continued to be terrorized by the State and the army. Such had been the experience of several members of the national Commission of Inquiry into Human Rights Violations in East Timor and the defenders in the Aceh case, as well as of witnesses of violations and of humanitarian agents striving to bring help to victims. Terror of that sort led to deep-seated fear in society and impeded the development of a support movement.

67. Her organization also drew the Commission's attention to the situation of human rights defenders in Malaysia: more than 50 people had been arrested the previous day during a peaceful gathering in a place of worship, the police having used excessive force. Her organization would like the Commission to urge all States, particularly Indonesia, to uphold firmly the resolution on human rights defenders, so that the Declaration might become a legal instrument making a real contribution to protecting them and promoting human rights.

68. Mr. AUNG (Worldview International Foundation) said that, in situations of human rights violations, human rights defenders were particularly exposed to harassment, threats and arbitrary detention.

69. In Mandalay, Burma, four such defenders had been arrested simply for wearing yellow clothing, yellow being the colour adopted by the democracy movement. Following a summary trial, they had been sentenced to forced labour. The Legal Aid Committee of the National League for Democracy had submitted a special appeal to the Mandalay High Court; it had been dismissed the same day. In addition, a journalist had had his sentence extended for having smuggled letters to the Special Rapporteur on the situation of human rights in Burma, in which he had described conditions in Insein prison. The Chairman of the All Burma Federation of Student Unions had been jailed and sentenced to 20 years' imprisonment without legal process. For the 2,000 students still in prison for having demonstrated peacefully, he was the very symbol of the struggle for democracy and human rights.

70. Those examples clearly showed that currently the worst crime that could be committed in Burma was to agitate for the defence of human rights. For that reason, his organization urged the appointment of a special rapporteur for human rights defenders, together with a strong appeal to all States Members of the United Nations, including the Burmese military regime, to commit themselves to observing the Declaration on human rights defenders.

71. Ms. HAENNI (Association for the Prevention of Torture, (APT)) said that universal ratification of the Convention against Torture was an important step in the campaign against that practice. Unfortunately, only 119 countries had ratified it, thus making it, of the core international human rights instruments, the one with the lowest number of ratifications. The coalition of international NGOs against torture (CINAT) continued to campaign for the Convention, and called on countries that had not yet ratified it, particularly India, Nigeria, Haiti, the Republic of the Congo, Syria and Ireland, to do so before the Commission's next session. The Commission on Human Rights should also encourage countries to recognize the competence of the Committee against Torture, withdraw any reservations and speed up the negotiations aimed at adoption of the draft optional protocol to the Convention against Torture. Her organization reiterated its call for the appointment of a special rapporteur for human rights defenders.

72. Ms. PEROUT (Canadian Human Rights Foundation) said that her organization's work was essentially in the area of non-formal human rights education, through programmes to develop awareness of and respect for the rights of others. The General Assembly, in declaring the United Nations Decade

for Human Rights Education, had recognized that effective education on the subject would help to reduce the number of human rights violations.

73. The goal of human rights education was firstly to encourage individuals to manage their own destiny and to participate in the decision-taking that affected the life of their community.

74. In November 1999, at a meeting held in Nepal for action at the regional level relating to the United Nations Decade for Human Rights Education, it had been found that very few of the NGOs had heard of the initiative. In fact, many Governments had not hitherto paid any attention to the issue. Consequently, her organization invited the Member States to establish national plans of action relating to human rights education, integrate the subject into school curricula, promote awareness of it in civil society and provide training for public officials, including those responsible for protecting human rights as well as those (in the police, the prison service, etc.) often associated with violations of those rights.

75. Such projects would help to build a culture of human rights and, as a result, peace among nations. In that spirit, States should cooperate and provide financial support for human rights education at the international, national and local levels.

76. Ms. SMITH (World Alliance of Reformed Churches), speaking on behalf of her Church, the United Church of Christ, and also as a United States attorney for the rights of persons sentenced to death, urgently appealed to the Commission to support a moratorium on the death penalty. She asked the Chairman and members of the Commission to heed the desperate appeal made by those spending their final hours on death row. One such case was Jesús Angel Delgado, a Cuban refugee who had recently attempted suicide in prison because of a threat to deny him visitors. In an appeal addressed to the world, he denounced his fate - cruel and inhuman - of being buried alive. In solidarity with those sentenced to death in Florida, who had been on hunger strike in protest against the State's attitude to them, he called for an end to executions which were used only to kill the poor.

77. She also asked the Commission to heed the anguished appeal of Mrs. Lois Robinson, whose son Larry had been executed the previous January in Texas. Having being recognized as mentally ill, Larry, instead of receiving care, had languished on death row for 17 years before being executed despite appeals on his behalf by the international community, including the European Union, the Pope and millions of citizens throughout the world asking for the death sentence to be commuted to life imprisonment. All appeals for clemency, including one she herself had addressed to Governor Bush, had been turned down. According to death penalty experts, nearly 40 per cent of the persons sentenced to death in the United States were mentally ill. Executing such prisoners totally violated United Nations principles and the respect for human dignity. In the name of those principles, she asked the Commission to add its voice to that of the family of a further person, Robert Glen Coe, sentenced to be executed during Holy Week in the State of Tennessee.

78. Lastly, she mentioned the extraordinary case of Ms. Suezann Bosler, whose father, a minister of religion, had been stabbed to death. His murderer had been sentenced to death but, since the victim had been an opponent of capital punishment, his daughter, Ms. Bosler, had campaigned against the death sentence. The jury had finally recommended life imprisonment.

79. Mr. JUAREZ MATTEO (Asociación Latinoamericana para los Derechos Humanos) said that a brief review of the Commission's agenda sufficed to show that all the substantive questions directly involved indigenous peoples. The fact was well known to the Governments of countries where such peoples lived, and to United Nations bodies, but they would rather avoid their responsibilities. In Colombia, the claims made by the indigenous peoples the chief victims of the armed conflict, were not even considered in the peace negotiations; in Mexico, warfare was brewing in the State of Chiapas and

extending to other states whose populations were for the most part indigenous; in Ecuador, the indigenous peoples, who had brought about the Government's fall, had had their victory snatched away; in Bolivia, the Government of Hugo Banzer was sending the army into the Aymará and Quechua communities; and in Guatemala, - his own native country, - three and a quarter years after the signature of the Peace Agreement, the Maya population was bearing the full brunt of the economic crisis, as the representative of the United Nations Children's Fund (UNICEF) had recently noted. Indigenous peoples everywhere were abandoned to their fate.

80. In view of that situation, he wondered when the Commission's members intended to adopt the draft declaration on the rights of indigenous peoples; for how long it would be maintained that words such as "peoples", "territories" and "collective rights" should not appear in the draft: and when the permanent forum for indigenous people would be established. He asked the States members of the Commission to demonstrate political will and adopt without delay the draft declaration as currently worded. He also called for establishment of the permanent forum on the lines proposed by the Working Group on Indigenous Populations in the document submitted for that purpose to the chairman/rapporteur of the relevant working group. Lastly, he and the association he represented supported the draft resolution aimed at appointing a special rapporteur on the situation regarding the rights of indigenous peoples.

81. Mr. Rodriguez Cedeño (Venezuela) Vice-Chairman, took the Chair.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION
(agenda item 6) (continued) (E/CN.4/2000/L.13/Rev.1)

Draft resolution on racism, racial discrimination, xenophobia and related intolerance
(E/CN.4/2000/L.13/Rev.1)

82. Mr. AYEWOH (Nigeria), introducing the draft resolution on behalf of the African Group, said, it was the outcome of very broad and intensive consultations. The balanced text was closer to the Commission's objectives than the first draft had been. He read out the paragraphs that had been revised, and recommended that the Commission adopt the draft resolution by consensus.

83. Mrs. IZE-CHARRIN (Secretary of the Commission) announced that the following States had become sponsors of the draft resolution: Australia, Austria, Belgium, Canada, China, Costa Rica, Cuba, Czech Republic, Denmark, El Salvador, Finland, France, Germany, Iceland, India, Israel, Luxembourg, Mongolia, Netherlands, New Zealand, Norway, Pakistan, Portugal, Spain, Sweden, Turkey and the United Kingdom of Great Britain and Northern Ireland. She said that the administrative and financial implications of its adoption would be communicated to the members of the Commission as soon as the Secretariat had received them.

84. Mr. GRIBBIN (United States of America) thanked the Nigerian delegation and the African Group for the draft resolution on racism, with which his delegation had pleasure in associating itself. Some of the measures recommended in the draft resolution were being actively implemented in the United States, by the administration as well as by many groups and individuals combating racial discrimination and able to do so because their right to free expression was guaranteed by the Constitution. The United States, while strongly denouncing statements which promoted racial discrimination, was convinced that protection of freedom of expression was essential for the protection of other human rights.

85. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt the draft resolution without a vote.

86. It was so decided.

87. Draft resolution E/CN.4/2000/L.13/Rev.1 was adopted by consensus.

Statements made in exercise of the right of reply

88. Mr. AL-SHEIKH (Observer for Saudi Arabia) said that the observer for Switzerland, speaking on agenda item 17, had made some extremely serious accusations against his country. According to that speaker, Saudi Arabia condemned minors to death and carried out mass executions. Those accusations were utterly groundless. He called on the Swiss delegation to furnish proof of what it alleged. The laws in force in Saudi Arabia, and the Sharia, strictly forbade sentencing minors to capital punishment as well as mass executions. Saudi Arabia could not accept such accusations.

89. Mr. DUONG CHI DUNG (Observer for Viet Nam) said that the statement by the observer for Switzerland under agenda item 17, in which he had mentioned Viet Nam, was utterly irresponsible. According to that speaker, mass executions, including public executions, still took place in Viet Nam. That was absolutely untrue, and he would like to know the source of the Swiss delegation's supposed information. It seemed, in fact, to be no more than a word-for-word repetition of the allegations appearing in paragraph 7 of document E/CN.4/2000/NGO/107, emanating from an NGO called the International Federation of ACAT (Action of Christians for the Abolition of Torture).

90. Mr. AL-BALOUSHI (Observer for Oman) recalled that Oman had been accused, in the statement by the representative of Amnesty International, of having extended the application of capital punishment to criminal acts not punishable by death. His Government had already issued a reply on that subject. Omani youth was a prey to the scourge of drug trafficking; the purpose of applying capital punishment to those who took part in that traffic was to protect society as a whole. In his Government's view, the application of capital punishment was a response appropriate to an extremely grave threat.

91. Mr. VIGNY (Observer for Switzerland) explaining Switzerland's position with regard to Saudi Arabia, referred to a report by the Secretary-General, published in Vienna, on crime prevention and criminal justice. Saudi Arabia was one of the States mentioned in the report as not yet having abolished the death penalty for persons having committed crimes under the age of 18 years.

92. Mr. AL-SHEIKH (Observer for Saudi Arabia) pointed out to the observer for Switzerland that the report in question did not mention any specific execution. The Swiss delegation should either provide proof of its allegation or apologize to his country.

The meeting rose at 6.05 p.m.